

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE**

ActivMedia Robotics, LLC

v.

Civil No. 03-cv-459-JM

Kurt Konolige

O R D E R

As discussed with the parties at the final pretrial conference held on July 11, 2005, the Court rules on the parties' pending motions in limine as follows:

1. Konolige's Motion In Limine To Exclude Expert Report Of Carter Browne (document no. 59) is denied.

2. Konolige's Motion In Limine To Exclude The Testimony Of John W. Murphy (document no. 60) is denied.

3. The AMR parties' Motion In Limine (document no. 63) to exclude evidence pertaining to compromise negotiations under Fed. R. Evid. 408 is denied subject to renewal at trial. The Court notes, however, that the parties have agreed that the cut-off date for determining when compromise negotiations began is January 16, 2003.

4. The AMR parties' Daubert Motion And Motion In Limine With Respect To Testimony Of John Kramer (document 64) is denied except that the Court defers ruling on the issue of whether the measure of damages for Konolige's expected AMR shares is the fair market value of those shares until the parties have made further submissions.

SO ORDERED.

James R. Muirhead
United States Magistrate Judge

Date: July 11, 2005

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